

Protection Order Committee
Judicial Conference of Indiana

Minutes
April 25, 2008

The Protection Order Committee met at the Indiana Judicial Center on Friday, April 25, 2008 from 12:00 noon – 3:30 p.m.

1. Members present. Therese M. Brown, Stephen D. Clase, John Hammel, Ann L. Jochim, Jose D. Salinas, Kim VanValer, Cheryl A. Williamson, and Thomas H. Busch, Chair.
2. Staff present. Tom Jones provided the committee with staff assistance.
3. Guests present. Judge David Certo, Marion Superior Court; LaJuan Epperson, Project Manager for the Protection Order Registry (JTAC), and Pat Hess, Consultant, Entara Technology Group, for JTAC; were also present.
4. Minutes. The March 28, 2008 minutes were approved.
5. Resolution Presented by Judge Thomas Busch, Chair. Judge Busch offered a resolution, which was amended and adopted by the Committee, to give the Protection Order Registry permission to allow any judicial officer to delete or add to any form on the Protection Order website, so long as the change was not contrary to statute or court rule.
6. Forms Review.
 - a. The Committee reviewed Forms PNW-0100, PNW-0101, Cover Sheet, and P0-0100 through PO-0125, and the results of that review are found in Attachment #1: Results of Committee's Review of Protection Orders, April 28, 2008, which is attached to these Minutes.
 - b. With the consensus of the Committee, Judge Busch directed staff to work on revising the Protective Order, No Contact Orders, and Workplace Violence Restraining Order forms that are affected by the change in the warning given to the Respondent due to the language in House Bill 1137, which states the following: "*or residence of any child who is the subject of the order...*"
 - c. With the consensus of the Committee, Judge Busch directed the staff in incorporate the list of stylistic changes suggested by Judge Certo many of which are inconsistencies in citing *Indiana Code* citations.
7. Protection Order Registry.
 - a. LaJuan Epperson and Pat Hess distributed a handout listing the thirty-three (33) counties where the Protective Order Registry is yet to be deployed.
 - b. LaJuan Epperson asked the Committee's support in convincing those counties that had so far refused to join the registry to join the registry. Judge Busch said that he would contact those judges in the counties not yet part of the Protective Order

Registry whom he knew, and other committee members made similar commitments to contact people whom they knew in these counties.

8. Future meeting dates.

a. Members of the committee agreed to complete form revisions at their next meeting in order to permit placement on the Protection Order Registry by July 1.

b. Committee members agreed to meet again on: June 27, 2008, July 25, 2008, August 22, 2008 and October 24, 2008 all from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Thomas Jones, Records Manager,
State Court Administration

ATTACHMENT #1: RESULTS OF COMMITTEE'S
REVIEW OF PROTECTION ORDERS
APRIL 28, 2008

PNW-0100: INSTRUCTIONS TO CLERK: action tabled for further review

PNW-0101: RETURN OF SERVICE INFORMATION FOR PROTECTIVE ORDERS, NO CONTACT ORDERS AND WORKPLACE VIOLENCE RESTRAINING ORDERS (Under Ind. Code § 5-2-9-6 (b) (3)): action tabled for further review

COVER SHEET:

- In the second section the headings PETITIONER/PROTECTED PERSON should change to PETITIONER/PROTECTED PERSON OR NEXT BEST FRIEND WHEN MINOR INVOLVED.
- In the fourth section the first sentence under THE COURT HEREBY ORDERS should read: The Respondent/Defendant is restrained from committing further acts or threats of abuse to the Petitioner/Protected Person.
- The third sentence under THE COURT HEREBY ORDERS should read: "The Respondent/Defendant is restrained from any contact with the Petitioner" with "Protected Person" being removed.

PO-0100: PETITION FOR AN ORDER FOR PROTECTION AND REQUEST FOR A HEARING—Filed by Person Seeking Protection

- In section 4 on page 2, change the word "any" to "all," and in the list of case types in parentheses, add the words "protective orders."
- Replace the words in section 6 on page with the terminology used in section 4 (e) on page 7 of Form PO-0102 for 'INSTRUCTIONS FOR PETITIONERS, including the correct telephone number for the Attorney General's Address Confidentiality Program. Section 6 would now read, "If you are not represented by an attorney, fill in your public mailing address. This address will *not* be kept secret, so you should use a mailing address that you feel is comfortable having public. If you want to use the Attorney General's Address Confidentiality Program, call that office at 1-800-321-1907
- In section 7 on page 2 concerning acts committed by the Respondent place a new blank followed by the words "the Respondent committed an act of animal cruelty by beating, torturing, mutilating, or killing a vertebrate animal without justification with an intent to threaten, intimidate, coerce, harass, or terrorize a family or household member."
- On page 5, in the sentence following the bullet points after section 10, change the word "will" to "may." The revised sentence will read: "I understand that if a Hearing is set, and if I fail to appear for the Hearing, the Court may terminate the Ex Parte Order and dismiss the case."

PO-0101: PETITION FOR AN ORDER FOR PROTECTION AND REQUEST FOR A HEARING—Filed on Behalf of a Child

- Change the caption by first listing the “Name of the Minor Child.” The second line would read: “By Child’s Next Best Friend, Petitioner (Your Name).”
- In section 4 on page 2, change the word “any” to “all,” and in the list of case types in parentheses, add the words “protective orders.”
- Replace the words in section 6 on page with the terminology used in section 4 (e) on page 7 of Form PO-0102 for ‘INSTRUCTIONS FOR PETITIONERS, including the correct telephone number for the Attorney General’s Address Confidentiality Program. Section 6 would now read, “If you are not represented by an attorney, fill in your public mailing address. This address will *not* be kept secret, so you should use a mailing address that you feel is comfortable having public. If you want to use the Attorney General’s Address Confidentiality Program, call that office at 1-800-321-1907
- In section 7 on page 2 concerning acts committed by the Respondent place a new blank followed by the words “the Respondent committed an act of animal cruelty by beating, torturing, mutilating, or killing a vertebrate animal without justification with an intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.”
- On page 5, in the sentence following the bullet points after section 10, change the word “will” to “may.” The revised sentence will read: “I understand that if a Hearing is set, and if I fail to appear for the Hearing, the Court may terminate the Ex Parte Order and dismiss the case.”

PO-0102: INSTRUCTIONS FOR PETITION FOR ORDER OF PROTECTION—FILED BY PERSON SEEKING PROTECTION:

- In the first paragraph on page 1, change the second sentence by replacing “is” by “may be.” The sentence would then read: “There are 2 kinds of Orders for Protection—an Ex Parte Order for Protection, which may be issued without a hearing, ...”
- On page 2 under the definition of “Domestic or family violence,” add a new section 5 concerning animal cruelty. This would cause the word “and” to be removed from section 3, and placed in section 4. The words “are included in this definition” would be removed from that section. Section 4 would then read: “stalking and sex offenses; and,” Section 5 would read: “animal cruelty which consists of beating, torturing, mutilating, or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member are included in this definition.”
- On page 3 at the bottom of the page following the question “Are a Petitioner’s family or household members covered by an Order for Protection?” change the response to read: “Not necessarily. The judicial officer will decide who will be protected from the names listed on the Petition in Paragraph 9 and the names listed on the Confidential Form.”
- On page 7, the telephone number listed for the Attorney General’s Address Confidentiality Program list in section 4(e) is changed to: 1-800-321-1907.

PO-0103: INSTRUCTIONS FOR PETITION FOR ORDER OF PROTECTION—FILED ON BEHALF OF A CHILD:

- In the first paragraph on page 1, change the second sentence by replacing “is” by “may be.” The sentence would then read: “There are 2 kinds of Orders for Protection—an Ex Parte Order for Protection, which may be issued without a hearing, ...”
- On page 2 under the definition of “Domestic or family violence,” add a new section 5 concerning animal cruelty. This would cause the word “and” to be removed from section

3, and placed in section 4. The words “are included in this definition” would be removed from that section. Section 4 would then read: “stalking and sex offenses; and,” Section 5 would read: “animal cruelty which consists of beating, torturing, mutilating, or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member are included in this definition.”

- On page 4 at the top of the page following the question “Are a Petitioner’s family or household members covered by an Order for Protection?” change the response to read: “Not necessarily. The judicial officer will decide who will be protected from the names listed on the Petition in Paragraph 9 and the names listed on the Confidential Form.”
- On page 8, the telephone number listed for the Attorney General’s Address Confidentiality Program list in section 4(e) is changed to: 1-800-321-1907.

PO-0104: CONFIDENTIAL FORM: no changes

PO-0105: EX PARTE ORDER FOR PROTECTION:

- Following the second form of relief under “Order” on page one, there should be a space thereby allowing judicial officers to add qualifying language if they please.
- The third form of relief should be removed from page 2 and placed at the top of page 3.

PO-0106: NOTICE TO APPEAR: Under “NOTICE TO APPEAR” after the caption, the first sentence should read, “With the Petitioner having filed a petition for an Ex Parte Order for Protection, the Court now finds that the conditions in Indiana Code 34-26-5-10 have been met and hereby sets this matter for Hearing as follows....”

PO-0107: RESPONDENT’S VERIFIED REQUEST FOR A HEARING: no changes

PO-0108: PETITIONER’S VERIFIED REQUEST FOR DISMISSAL: no changes

PO-0109: ORDER DISMISSING PETITION AND/OR AN ORDER FOR PROTECTION: no changes

PO-0110: ORDER DENYING PETITION FOR AN ORDER FOR PROTECTION: no changes

PO-0111: VERIFIED MOTION TO REINSTATE PETITION FOR AN ORDER FOR PROTECTION: no changes

PO-0112: ORDER FOR PROTECTION

- In section (g) of the FINDINGS on page 1, change that section to read: “The Petitioner has shown, by a preponderance of the evidence, that domestic or family violence, a sex offense, or stalking has occurred sufficient to justify the issuance of this Order.
- Delete section (h) of the findings, and current sections (i) and (j) would become sections (h) and (i) respectively.
- The address in number 18 under the section on Monetary Relief on page 5 will be changed to the following addresses: Payments from employers should go to PO Box 6219, Indianapolis, IN 46206-6219; payments from non-custodial parents should go to PO Box 7130, Indianapolis, IN 46207-7130.

- A new number 19 under the section on Monetary Relief on page 5 would be created to make mention of the 6% rule, and the current number 19 would become number 20. The new number 19 would read as follows: “Uncovered Medical. The 6% Rule shall apply, with the (Petitioner) (Respondent) paying the first \$_____ of the total medical, dental, optical, and orthodontic expenses not covered by insurance. Thereafter, the Petitioner shall pay _____% of such uncovered expenses and the Respondent shall pay ____% thereof.”

PO-0113: ORDER FOR PROTECTION

- In section (g) of the FINDINGS on page 1, change that section to read: “The Petitioner has shown, by a preponderance of the evidence, that domestic or family violence, a sex offense, or stalking has occurred sufficient to justify the issuance of this Order.
- Delete section (h) of the findings, and current sections (i) and (j) would become sections (h) and (i) respectively.
- The address in number 18 under the section on Monetary Relief on page 6 will be changed to the following addresses: Payments from employers should go to PO Box 6219, Indianapolis, IN 46206-6219; payments from non-custodial parents should go to PO Box 7130, Indianapolis, IN 46207-7130.
- A new number 19 under the section on Monetary Relief on page 6 would be created to make mention of the 6% rule, and the current number 19 would become number 20. . The new number 19 would read as follows: “Uncovered Medical. The 6% Rule shall apply, with the (Petitioner) (Respondent) paying the first \$_____ of the total medical, dental, optical, and orthodontic expenses not covered by insurance. Thereafter, the Petitioner shall pay _____% of such uncovered expenses and the Respondent shall pay ____% thereof.”

PO-0114: INDIANA STATE POLICE, FIREARMS SECTION: action tabled for further review

PO-0115: PETITION TO MODIFY AN ORDER FOR PROTECTION AND REQUEST FOR A HEARING:

- On page 1 following the title “PETITION TO MODIFY AN ORDER FOR PROTECTION AND REQUEST FOR A HEARING,” place in parentheses (If Required).
- On page 4, change the word “will” to “may” in the second line of the sentence. The sentence would now read: “I understand that a Hearing is set, and if I fail to appear for the Hearing, the Court may terminate the Ex Parte Order for Protection Modification and dismiss the case.”

PO-0116: VERIFIED PETITION TO RENEW ORDER FOR PROTECTION: obsolete

PO-0117: NOTICE OF EXTENSION OR MODIFICATION: no changes

PO-0118: NOTICE OF TERMINATION: no changes

PO-0119: REGISTRATION OF FOREIGN PROTECTION ORDER FORM, *Indiana Code 34-26-5-17 (e)*: no changes

PO-0120: CONFIDENTIAL DATA ENTRY FORM FOR FOREIGN PROTECTION ORDERS:
no changes

PO-0121: ORDER MODIFYING AN ORDER FOR PROTECTION ADDING BRADY LAW
PROHIBITION: no changes

PO-0122: ORDER OF TRANSFER TO COURT HAVING JURISDICTION OF THE PARTIES
OR THEIR CHILDREN:

- In the third and fourth conditions under the language “This Court has considered a petition for (and entered) an Ex Parte Order for Protection as required by Ind. Code § 34-26-5-6(3). However,” the clause “if requested by respondent” should be removed.
- On page 2, after the words “in effect for thirty (30) days from today’s date,” insert the words “or such duration as set forth in the protective order.”

PO-0123: ORDER FOR PROTECTION: no changes

PO-0124: SUPPLEMENT TO COVER SHEET PROTECTION ORDER: no changes

PO-0125: PROTECTION ORDER SUPPLEMENT TO CONFIDENTIAL FORM FOR
MULTIPLE PROTECTED PARTIES: no changes